

Remarks

The Office Action mailed February 8, 2007 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-20 are now pending in this application. Claims 1-15 stand rejected. Claims 16-20 are newly added. No additional fee is due for newly added Claims 16-20. No new matter has been added.

The objection to the specification is respectfully traversed. Applicants have amended the specification to address the issues raised by the Examiner in the Office Action. Accordingly, Applicants respectfully request that the objection to the specification be withdrawn.

The rejection of Claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over Wang et al. (U.S. Pat. No. 6,774,633) ("Wang") in view of Whittaker et al. (U.S. Pat. No. 5,573,220) ("Whittaker") is respectfully traversed.

Wang describes a vibration isolation system (20) for a magnetic resonance imaging (MRI) magnet system (10). The isolation system (20) includes isolators (120) positioned between a floor (42) and an MRI lower assembly (14) such that the isolators (120) bear the weight of the magnet system (10). The isolators (120) are passive pneumatic isolators or active piezoelectric isolators. A structural holder (126) is placed between the isolators (120) and the lower assembly (14) when the lower assembly (14) is not sufficiently level. Wang further describes that, instead of the isolators (120), the vibration isolation system (20) may include a rubber mat or rubber blocks positioned between the floor (42) and the MRI lower assembly (14). Notably, Wang does not describe or suggest a supporting device that includes a posture adjusting device for adjusting the posture of a magnet, wherein the posture adjusting device includes a bolt member substantially aligned in a Z direction.

Whittaker describes a vertically adjustable vibration absorbing foundation mount (26) for a machinery foundation (18). The mount (26) includes a rigid frame (28) coupled to a rigid platform plate (32). At each corner, the platform plate (32) is coupled to a steel pocket (44). Within each pocket (44), vibration absorbing pads (90) are stacked such that the bottom-most pad (90) extends beyond a pocket lower edge (50). The pads (90) are loaded

with the weight of the machinery transferred to the mount (26). The mount (26) also includes a leveler (30). The leveler (30) includes a wedge (66) positioned between a base (62) and a riser (84). Wedge (66) is displaced horizontally with a horizontally-oriented threaded screw (70) to vertically adjust the machinery supported by the mount (26). Notably, Whittaker does not describe or suggest a supporting device that includes a posture adjusting device for adjusting the posture of a magnet, wherein the posture adjusting device includes a bolt member substantially aligned in a Z direction.

Claim 1 recites a magnetic resonance imaging system comprising "a magnet that induces a static magnetic field required for magnetic resonance imaging; a supporting device that supports said magnet and stands on a placement surface, wherein said supporting device comprises: a posture adjusting device for adjusting the posture of said magnet, said posture adjusting device comprising a bolt member substantially aligned in a Z direction; and an attenuating device for attenuating a vibration applied through said placement surface into a vibration having a frequency different from a resonant frequency of said magnet."

Neither Wang nor Whittaker, considered alone or in combination, describes or suggests a magnetic resonance imaging system as recited in Claim 1. More specifically, neither Wang nor Whittaker, considered alone or in combination, describes or suggests a magnetic resonance imaging system that includes a supporting device having a posture adjusting device for adjusting the posture of a magnet, wherein the posture adjusting device includes a bolt member substantially aligned in a Z direction. Rather, Wang describes a vibration isolation system that includes a structural holder placed between isolators and a lower assembly when the lower assembly is not sufficiently level, and Whittaker describes a vertically-adjustable, vibration-absorbing machinery foundation mount that includes a leveler having a wedge that is displaced horizontally with a horizontally-oriented threaded screw to vertically adjust machinery supported by the mount. Accordingly, neither Wang nor Whittaker, considered alone or in combination, describes or suggests a supporting device that includes a posture adjusting device for adjusting the posture of a magnet, wherein the posture adjusting device includes a bolt member substantially aligned in a Z direction. For at least the reasons set forth above, Claim 1 is submitted as patentable over Wang in view of Whittaker.

Claims 2 and 6-15 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2 and 6-15 are considered in combination with the recitations of

Claim 1, Applicants submit that dependent Claims 2 and 6-15 likewise are patentable over Wang in view of Whittaker.

Claim 3 recites a magnetic resonance imaging system comprising "a magnet that induces a static magnetic field required for magnetic resonance imaging; and three pieces of supporting device that support said magnet and stand on a placement surface, wherein said three pieces of supporting device each include an attenuating device that attenuates a vibration applied through said placement surface into a vibration having a frequency different from a resonant frequency of said magnet; and at least two of said three pieces of supporting device include a posture adjusting device that adjusts the posture of said magnet, each said posture adjusting device slidably coupled to said attenuating device."

Neither Wang nor Whittaker, considered alone or in combination, describes or suggests a magnetic resonance imaging system as recited in Claim 3. More specifically, neither Wang nor Whittaker, considered alone or in combination, describes or suggests a magnetic resonance imaging system that includes a supporting device including a posture adjusting device that adjusts the posture of a magnet, wherein each posture adjusting device is slidably coupled to an attenuating device. Rather, Wang describes a vibration isolation system positioned between a floor and an MRI lower assembly, and Whittaker describes a vertically-adjustable, vibration-absorbing machinery foundation mount that includes a leveler having a wedge positioned between a base and a riser. Accordingly, neither Wang nor Whittaker, considered alone or in combination, describes or suggests a supporting device that includes a posture adjusting device that adjusts the posture of a magnet, wherein each posture adjusting device is slidably coupled to an attenuating device. For at least the reasons set forth above, Claim 3 is submitted as patentable over Wang in view of Whittaker.

Claims 4 and 5 depend, directly or indirectly, from independent Claim 3. When the recitations of Claims 4 and 5 are considered in combination with the recitations of Claim 3, Applicants submit that dependent Claims 4 and 5 likewise are patentable over Wang in view of Whittaker.

In addition, Applicants respectfully submit that the Section 103 rejection of Claims 1-15 is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify the MRI vibration isolation system of Wang with the vertically-adjustable, vibration-absorbing machinery

foundation mount of Whittaker. As explained by the Federal Circuit, "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the Applicant." In re Kotzab, 54 USPQ2d 1308, 1316 (Fed. Cir. 2000); MPEP 2143.01.

Furthermore, as is well established, the mere fact that the prior art structure could be modified does not make such a modification obvious unless the prior art suggests the desirability of doing so. See In re Gordon, 221 USPQ2d 1125 (Fed. Cir. 1984). In the present case, there is no suggestion of the desirability of modifying Wang with Whittaker, or vice versa. Specifically, Wang teaches a vibration isolation system that is used instead of rigid support structures, and Whittaker teaches a rigid support frame for a leveler, wherein the frame includes steel pockets surrounding vibration damping pads. As such, neither Wang nor Whittaker, considered alone or in combination, describes or suggests the desirability of modifying Wang with Whittaker, or vice versa.

The Federal Circuit has determined that:

[i]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.

In re Fritch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). Further, under Section 103, "it is impermissible . . . to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." In re Wesslau, 147 USPQ 391, 393 (CCPA 1965). Rather, some suggestion to combine such references and a reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 USPQ2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the cited art, or any reasonable expectation of success has been shown.

Specifically, there is no suggestion or motivation within Wang and/or Whittaker to combine Whittaker with Wang to produce the claimed invention. Accordingly, since there is neither a teaching nor a suggestion in the cited art for the claimed combination, the Section

103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants respectfully request that the Section 103 rejection of Claims 1-15 be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-15 be withdrawn.

Newly added Claim 16 depends from independent Claim 1, which Applicants submit is patentable over the cited art. For at least the reasons set forth above, Applicants respectfully submit that Claim 16 is also patentable over the cited art.

Newly added Claims 17-20 depend, directly or indirectly, from independent Claim 3, which Applicants submit is patentable over the cited art. For at least the reasons set forth above, Applicants respectfully submit that Claims 17-20 are also patentable over the cited art.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



Eric T. Kriskhe
Registration No. 42,769
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070